

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

LEWIS, Jason G. et al.

Serial No.: 10/777,455

Filed: February 11, 2004

For: LINCOMYCIN DERIVATIVES  
POSSESSING ANTIBACTERIAL ACTIVITY



Group Art Unit: 1623

Examiner: Elli Peselov

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TERMINAL DISCLAIMER

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Diane K. Wong, represent that I am an attorney of record for the above-identified application. Vicuron Pharmaceuticals Inc. (hereinafter referred to as "Vicurion") is the owner of 100% interest in the above-identified invention by virtue of assignment from the inventors to Vicuron. The assignment was recorded in the Patent and Trademark Office on July 9, 2004, on Reel 014835, Frame 0607.

In the event that a patent granted on U.S. Application Serial No. 10/642,807 issues before any patent granted on the above-identified application, then Vicuron hereby disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Serial No. 10/642,807. Moreover, Vicuron hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent granted on pending reference Application

CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450.

July 29, 2005  
Date of Deposit  
IR1:1064795.1

*Cynthia B. Pacheco*  
Cynthia B. Pacheco

Serial No. 10/642,807, this agreement to run with any patent granted on the above-identified application and to be binding upon Vicuron, its successor, or assigns.

Vicuron does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of any patent granted on pending reference Application Serial No. 10/642,807 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.312(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

In the event that a patent granted on U.S. Application Serial No. 10/642,807 issues after any patent granted on the above-identified application, then this Terminal Disclaimer is null and void and has absolutely no legal effect.

The Commissioner is hereby authorized to charge \$ 65.00 to Deposit Account No. 50-2862 for the above fee(s). If any additional fees are necessitated by the filing of this document, please charge Deposit Account No. 50-2862.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: July 29, 2005

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